

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 10, 15, 16, 44, 45, 52, and 53 have been amended. No new matter has been added. Support for these claim amendments can be found at least in original Claims 43 and 44. Claims 1, 4, 8, 9, 11-16, 20, 21, 23, 33, 34, and 43-59 remain pending in this application.

Despite the finality of the Office Action, Applicants respectfully request entry of the foregoing claim amendments. Applicants respectfully submit that the claim amendments merely correct minor antecedent basis issues and introduce elements similar to those from allowable Claim 43. As such, Applicants submit that no new search is required.

I. Allowable Subject Matter

On page 34 of the Office Action, Claims 43 and 44 were objected to as being dependent upon a rejected base Claim 1, but would be allowable if rewritten in independent form. Independent Claim 1 has been amended to recite elements similar to those of allowable Claim 43. As such, Applicants respectfully submit that Claim 1 and Claims 43 and 44 (which depend from Claim 1) are in condition for allowance.

II. Claim Rejections Under 35 U.S.C. § 103

On pages 2-34 of the Office Action, Claims 1, 4, 8, 9, 11-16, 20, 21, 23, 33, 34, and 45-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morales in view of various other references. More specifically:

- Claims 1, 4, 8-10, 13, 15, 33, 53, and 54 were rejected over Morales in view of U.S. Patent No. 6,449,074 to Okano et al. ("Okano"), "A Low-Cost WDM Source with ASE Injected Fabry-Perot Semiconductor Laser," IEEE Photonics Technology Letters, Vol. 12, No. 8, August 2000, pages 1067-1069, by Kim, et al. ("Kim"), and "Semiconductor Optical Amplifier-Based All-Optical Gates for High-Speed Optical Processing," IEEE Journal on Selected Topics in Quantum

Electronics, Vol. 6, No. 6, November/December 2000, pages 1428-1435, by Stubkjaer ("Stubkjaer");

- Claims 16, 21, and 23 were rejected over Morales in view of Kim and Stubkjaer;
- Claims 11, 12, 20, and 34 were rejected over Morales in view of Okano, Kim, Stubkjaer, and U.S. Patent No. 6,434,175 ("Zah");
- Claims 45, 46, 48, and 51 were rejected over Morales in view of Okano;
- Claim 47 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Morales and Okano in view of "High temperature, optically pumped, 1.55 mm VCSEL operating at 6 Gb/s," 57th Annual Device Research Conference Digest, 28-30 June 1999, pp. 196-197, by Keating et al. ("Keating");
- Claims 49 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morales and Okano in view of U.S. Patent No. 6,434,175 over Zah ("Zah");
- Claim 52 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Morales and Okano in view of Kim; and
- Claims 53 and 55-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morales and Okano in view of Keating.

Independent Claims 1, 16, 45, and 53 have been amended to include elements similar to those of allowable Claim 43. Applicants respectfully submit that Morales, Okano, Kim, Stubkjaer, Zah, and Keating, alone or in combination, fail to disclose, teach, or suggest each and every element of amended independent Claims 1, 16, 45, and 53.

Amended independent Claim 1 recites, in part, an "optical router [that] comprises an upstream/downstream wavelength division multiplexer (WDM) configured to route different data modulated pumping light to different optically pumped sources and to route the data modulated transmission light to a multiplexing element" (emphasis added). Although different in scope, independent Claim 45 recites similar elements. Amended independent Claim 16 recites, in part, "routing the data modulated pumping light to at least one of the optically pumped sources via the upstream/downstream WDM" and "routing the data modulated transmission light to a multiplexing element via the upstream/downstream WDM." Although different in scope, independent Claim 53 recites similar elements. Applicants respectfully submit that Morales, Okano, Kim, Stubkjaer, Zah, and Keating, alone or in combination, fail to disclose, teach, or

suggest at least these elements. Indeed, the Examiner appears to acknowledge as much in indicating that Claim 43 includes allowable subject matter.

For at least the reasons discussed above, Applicants respectfully submit that Morales, Okano, Kim, Stubkjaer, Zah, and Keating, alone or in combination, fail to disclose, teach, or suggest each and every element recited in each of independent Claims 1, 16, 45, and 53 (and their associated dependent claims). As such, Applicants respectfully requests reconsideration and withdrawal of the rejection of Claims 4, 8, 9, 11-16, 20, 21, 23, 33, 34, and 45-59 under 35 U.S.C. § 103(a).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicants request consideration and allowance of all pending claims.

It should also be noted that although arguments have been presented with respect to certain claims herein, the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons. Further, the failure to address any statement by the Examiner herein should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding, and to rebut any statement presented by the Examiner in this or other papers during prosecution of the present Application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit

card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258

By: 

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787